

REMARKS

In response to the Office Action dated January 13, 2005, Applicants respectfully request reconsideration based on the above amendments and following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-6, 8-9, and 11-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson in view of Laybourn. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claim 1 recites "wherein the wireless device automatically provides a mobile identification number to identify the wireless device." In applying Henderson, the Examiner acknowledges that Henderson fails to teach "wherein the wireless device automatically provides a mobile identification number to identify the wireless device." The Examiner relies on Laybourn for this feature. Applicants submit that one of ordinary skill in the art would not have combined Henderson and Laybourn in the manner proposed by the Examiner.

Henderson teaches an IVR system in which a customer calls a number and enters a PIN found on service card 200. The service card and the PIN entitle the customer to a predetermined amount of customer service. The service card 200 is sold with a product or purchased separately (col. 5, lines 30-32). Thus, the customer service function is provided by the customer calling an 800 number and entering the PIN. The customer's prepaid service account is then debited appropriately (col. 5, lines 34-51).

Laybourn discloses a system for managing prepaid wireless service. When a wireless phone contacts the system, an IVR system detects the MSISDN for the wireless phone in order to determine if the wireless phone is a valid subscriber and the status of the subscriber (col. 5, lines 12-27). This MSISDN is needed in order to confirm and provide the appropriate prepaid wireless service.

Henderson, in contrast to Laybourn, does not need to know the identity of the wireless device calling to receive the customer service. In Henderson, it is not relevant what phone is used to obtain the customer service. What is relevant is that the user call the 800 number and provide the PIN. The Examiner reasons that "the motivation for this combination would have been to speed up the system by automatically extracting any possible information so that the user does not have to manually enter it." There is no indication in Henderson that such information is needed or that such information would be available from the user's wireless phone MIN. In Henderson, it is not relevant what phone the customer uses to contact the IVR system. The user can use a home landline phone, a wireless phone, a pay phone, etc. What is important in Henderson is that the customer enter the correct PIN to receive the customer support.

Applicants assert that there is no motivation to combine Henderson and Laybourn in the manner proposed by the Examiner. Laybourn is directed to managing prepaid wireless service and thus requires the MSISDN in order to provide wireless phone service. Henderson has no relation to providing phone service, but rather provides customer service to user's regardless of the phone used to contact a toll free number. Thus, there is insufficient motivation to combine Henderson and Laybourn in the manner proposed by the Examiner.

Claim 1 is patentable over Henderson in view Laybourn for at least the above reasons. Claims 2-6, 8-9, and 11 depend from claim 1 and are patentable over Henderson in view of Laybourn for at least the reasons advanced with reference to claim 1. Claims 12-20 include features similar to those discussed above with reference to claim 1 and are patentable over Henderson in view of Laybourn for at least the reasons advanced with reference to claim 1.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that this application be

allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

By: 

David A. Fox
Reg. No. 38,807
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
PTO Customer No. 36192

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